

By



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,317	12/28/2001	Nimrod Megiddo	ARC920010061US1	8908
33360	7590	07/13/2005	EXAMINER	
MARK D. MCSWAIN IBM ALMADEN RESEARCH CENTER, IP LAW DEPT. 650 HARRY ROAD CHTA/J2B SAN JOSE, CA 95120			BHATNAGAR, ANAND P	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 07/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/034,317

Applicant(s)

MEGIDDO ET AL.

Examiner

Anand Bhatnagar

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 11-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/21/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Applicant's election without traverse of claims 1-25 in the reply filed on 03/31/05 is acknowledged. Claim 25 was left out inadvertently left out in the original restriction dated 02/28/05 by the examiner. Examiner thanks applicant's representative for pointing this out. Claim 25 belongs to Group II claims (claims 11-24) since it has similar limitations as claim 17, therefore, this claim will be considered grouped with the non-elected group (claims 11-24).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefanescu et al. (U.S. patent pub. 2003/0013951 A1).

Regarding claim 1: Stefanescu discloses a method of searching images for data contained within said images (paragraph 0002), said method comprising the steps of:

providing a plurality of training images (fig. 8 elements 802-824 and paragraphs 0006, 0069, 0070, and 0072; wherein images, i.e. read as training images, are provided from the database element # 802);

extracting image attributes from said training images (fig. 8 elements 805 and 816 and paragraphs 0069-0072; wherein image features/attributes are extracted);

classifying training images according to said extracted attributes (fig. 8 element 810 and paragraphs 0072 and 0073; wherein the images are filtered, i.e. i.e. read as classified, based on the pathologies in the images, the orientation and sequence of the images, the z-location of the images, etc.);

selecting a particular classifier for each group of training images (paragraph 0073, wherein a query is performed based on the classification of the pathologies, orientation of the images and sequence of the images, etc.);

collecting a plurality of images available from remotely connected computers (fig. 1 and paragraphs 0025, 0026, and 0038; wherein servers can be at different remote locations wherein images are collected from);

indexing said collected images (paragraphs 0050 and 0057 wherein the images of a query are returned to the user. There can be multiple databases

from which the images can be obtained from. In order to present the images they need to be indexed/grouped); and

providing an index of said collected images for interrogation by users (paragraph 0057 and 0075).

Regarding claim 2: A method wherein the step of extracting attributes comprises identifying image features of a particular numerically generated image type (paragraph 0073 wherein the images can be classified by their orientation and sequence. This "sequence" of the images are some type of numbering such as the time, frame/image number, etc. and is read as "a particular numerically generated image).

### ***Allowable Subject Matter***

3. Claims 3-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

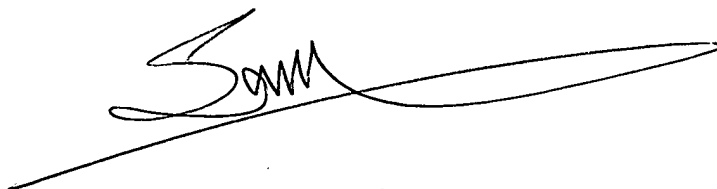
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Quinn (U.S. patent 5,761,385) for classifying images based in image features.

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**Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (571) 272-7416, whose supervisor is Amelia Au whose number is (571) 272-7414, Central fax is 571-273-8300, and Tech center 2600 customer service office number is 703-306-0377.

A handwritten signature in black ink, appearing to read 'Samir', with a long horizontal flourish extending to the right.

**SAMIR AHMED  
PRIMARY EXAMINER**

Handwritten initials 'AB' in black ink.

Anand Bhatnagar

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July 10, 2005